



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue  
Seattle, Washington 98101

Reply To  
Attn Of: OW-130

30 OCT 2003

Katy Coba, Director  
Oregon Department of Agriculture (ODA)  
635 Capitol St. NE  
Salem, OR 97310-2532

Stephanie Hallock, Director  
Oregon Department of Environmental Quality (DEQ)  
811 SW Sixth Avenue  
Portland, Oregon 97204-1390

Dear Ms. Coba and Ms. Hallock:

With the Environmental Quality Commission's final adoption of the general National Pollutant Discharge Elimination System (NPDES) permit for confined animal feeding operations in Oregon, our efforts need to focus upon a formal NPDES program revision that acknowledges the transfer of the CAFO portion of Oregon's NPDES program from DEQ to ODA. As discussed in previous correspondence and communication with your agencies, Oregon would have to submit a modified program description, Attorney General statement, and other documentation specified in federal regulations at 40 CFR Part 123 in order to obtain approval of such a revision request. In particular, the program revision request will be subject to the public notice and opportunity to comment procedures described in 40 CFR § 123.62(b)(2) and (4). To assist your efforts in developing an adequate program application, we have enclosed several documents relating to the state of Maine's program submission for the authorization to administer the NPDES program. Although Oregon's program revision relates specifically to animal feeding operations, the procedures in which the Oregon Department of Agriculture will need to follow are the same as if the state agency was applying for authorization to implement a comprehensive NPDES program.

It has been our experience that the entire process starting from the development of appropriate state statutes and regulations, to submittal of the program application and review and approval by EPA can take approximately 12 to 18 months. Revising an authorized program has been a much smoother process when the applicable state and federal agencies coordinate throughout the process so that both agencies are familiar with the content of the application package even before it is submitted to EPA. We would be happy to meet in person with your agencies to further explain the details associated with revising the NPDES program in Oregon.


Prior to final agency approval, the issue of Oregon's representational standing rules, which may conflict with EPA's NPDES program approval requirements will need to be resolved.

The resolution of this issue will require a statement from the Attorney General identifying recent developments which clearly demonstrate that Oregon's representational standing requirements do not prevent effective citizen participation in the permitting process and thereby preclude approval of a revision to the NPDES program.

If you have additional questions, please do not hesitate to contact Robert Robichaud at (206) 553-1448 or Dan Opalski at (503) 326-3250.

Sincerely,

*for*

  
Randall F. Smith  
Director  
Office of Water

Enclosures

cc: Mike Llewelyn, Oregon Department of Environmental Quality  
Debbie Gorham, Oregon Department of Agriculture  
Larry Knudsen, Oregon Department of Justice